

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

FRANCIS BROWN,)
)
 Petitioner,)
)
 vs.) Case No. 4:11CV1717 JAR
) (TIA)
 UNITED STATES OF AMERICA and)
 UNITED STATES PAROLE)
 COMMISSION,)
)
 Respondents.)

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner's Renewed Request for Appointment of Counsel (Docket No. 17), Motion for Appointment of Counsel (Docket No. 19), and Motion for Extension of Time (Docket No. 20). The case was referred to the undersigned pursuant to 28 U.S.C. § 636(b).

On September 29, 2011, Petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. On January 23, 2012, Respondent filed a Motion to Dismiss (Docket No. 13), asserting that the petition should be dismissed because Petitioner fails to state a claim upon which relief can be granted.

“[T]here is neither a constitutional nor statutory right to counsel in habeas proceedings...” McCall v. Benson, 114 F.3d 754, 756 (8th Cir. 1997). In order to determine whether appointment of counsel is appropriate, the court must consider “the factual and legal complexity of the case, and the petitioner’s ability both to investigate and to articulate his claims without court appointed counsel.” Id. (citations omitted). In the instant case, Petitioner raises three

grounds for habeas relief in his petition. Petitioner's grounds do not appear to be factually or legally complex. Because Petitioner has demonstrated an ability to adequately present his claims without an attorney, his motion for appointment of counsel will be denied at this time.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's Renewed Request for Appointment of Counsel (Docket No. 17) and Motion for Appointment of Counsel (Docket No. 19) are DENIED. If the Court later determines that counsel is necessary, the appropriate order will be issued.

IT IS FURTHER ORDERED that Petitioner's Motion for Extension of Time (Docket No. 20) is GRANTED. Petitioner shall file any responsive pleading no later than April 23, 2012.

/s/ Terry I. Adelman

UNITED STATES MAGISTRATE JUDGE

Dated this 15th day of March, 2012.